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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,927	11/30/2001	Syed M. Ali	16159/021001; P6416	5348

32615 7590 04/07/2006

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EXAMINER

DOAN, DUYN MY

ART UNIT PAPER NUMBER

2143

DATE MAILED: 04/07/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/997,927
Filing Date: November 30, 2001
Appellant(s): ALI ET AL.

APR n 7 2006

Technology Center 2100

Robert P. Lord
For Appellant

EXAMINER'S ANSWER

Art Unit: 2143

This is in response to the appeal brief filed 1/17/06 appealing from the Office action mailed 8/12/05

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,629,128

Glass

11-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-8, 10-24, 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Glass (us pat 6629128).

As regarding claim 2, Glass discloses interposing a server runtime between the client runtime and the server portion that enables interaction between the client runtime and the server portion (col.11, line 3-38).

As regarding claim 3, Glass discloses sending a message to the server runtime to fetch data from the remote object (col.13, line 54-67, col.14, line 1-17).

As regarding claim 4, Glass discloses receiving data fetched by the server runtime and caching data in the proxy (col.13, line 54-67, col.14, line 1-17).

As regarding claim 5, Glass discloses sending a message to the server runtime to synchronize data cached in the proxy with data in the remote object (col.14, line 41-67).

As regarding claim 6, Glass discloses sending a message to the server runtime to invoke a method of the remote object on behalf of the proxy (col.13, line 54-67, col.14, line 1-17).

As regarding claim 7, Glass discloses receiving a result of invoking the method of the remote object from the server runtime and passing the result to the proxy (col.13, line 54-67, col.14, line 1-17).

As regarding claim 8, Glass disclosed creating a proxy for each of a plurality of remote objects in the server portion, each proxy implementing an interface of a corresponding remote object and having a capability to cached data from the remote object (col.4, lines 5-18; col.7, lines 65-67, col.8, lines 1-23); modifying the client portion to substitute a call for the remote object with a call for the proxy (col.7, lines 40-47); and interposing a client runtime that includes the proxy for each of remote objects between the client portion and the server portion (col.7, lines 40-67, col.8, lines 1-23) wherein creating the proxy for each of the plurality of remote objects in the server portion comprises analyzing the server portion to determine each of the plurality the remote

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objects in the server portion between the client portion and the server portion (col.7, line 56-67, col.8, line 1-7).

As regarding claim 9, Glass discloses creating the proxy for the plurality of remote objects in the server portion comprises analyzing the server portion to determine the remote objects in the server portion (col.11, line 1-38).

As regarding claim 10, Glass discloses analyzing the server portion comprises parsing machine code for the server portion (col.9, line 45-55).

As regarding claim 11, Glass discloses analyzing the server portion comprises parsing a descriptor containing a list of classes in the server portion (col.9, line 1-67).

As regarding claim 12, Glass discloses analyzing the server portion comprises parsing source code for the server portion (col.9, line 56-67, col.10, line 1-29).

As regarding claim 13, Glass discloses modifying the client portion comprises modifying machine code for the client portion (col.7, line 1-37, col.6, line 1-34).

As regarding claim 14, Glass discloses modifying the client portion comprises modifying source code for the client portion (col.7, line 1-37, col.6, line 1-34).

As regarding claim 15, Glass discloses modifying the client portion to substitute a call to a first lookup service that locates the remote object with a call to a second lookup service that locates the corresponding proxy (col.7, line 1-37, col.6, line 1-34, also see figure 7).

As regarding claim 16, Glass discloses the lookup service that locates the corresponding proxy is included in the runtime (col.7, line 1-37, col.6, line 1-34).

As regarding claim 17, Glass discloses modifying the client portion to substitute a call to manage a lifecycle of the remote object with a call to manage a lifecycle of the corresponding proxy (col.7, line 34-47).

As regarding claim 18, Glass discloses fetching data from the remote object into the proxy associated with the remote object (col.9, line 19-38).

As regarding claim 19, Glass discloses synchronizing data in the proxy with data in the remote object associated with the proxy (col.9, line 19-38).

As regarding claim 20, Glass discloses invoking a method of the remote object on behalf of the proxy associated with the remote object (col.7, line 34-47).

As regarding claim 21, Glass discloses receiving a result of invoking the method of the remote object and passing the result to the proxy (col.14, line 1-17).

As regarding claim 22, Glass discloses the runtime includes a client runtime that interacts with the client portion and a server runtime that interacts with the server portion (col.11, line 54-67, col.12, line 1-20).

As regarding claim 23, Glass discloses the client runtime and server runtime communicate in order to enable interaction between the client portion and the server portion (col.11, line 54-67, col.12, line 1-20).

As regarding claim 24, Glass discloses analyzing the server portion to find each remote object in the server portion (col.11, line 1-38); creating the proxy for each remote object in the server portion and including the proxy in a client runtime library (col.6, line 14-34, col.4, line 1-52); analyzing the client portion to determine calls made to remote objects in the server portion and replacing calls for remote objects with calls for a

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corresponding proxy (col.7, line 1-37, col.6, line 1-34); and interposing the client runtime library between the client portion and the server portion (col.7, line 56-67, col.8, line 1-7).

As regarding claim 31, Glass discloses A computer-readable medium having recorded thereon instructions executable by a processor, the instructions for: analyzing a server portion of a distributed application to find each remote object in the server portion (col.11, line 1-38); generating a proxy for each remote object in the server portion (col.6, line 14-34, col.4, line 1-52); and including the proxy for each remote object in the server portion in a runtime library (col.7, line 56-67, col.8, line 1-7).

As regarding claim 32, Glass discloses instructions for modifying a client portion of the distributed application such that a call for a remote object is replaced with a call for a corresponding proxy (col.7, line 34-47).

(10) Response to Argument

Applicant argues regarding claim 1 and 31 "There is no teaching or suggestion in Glass of analyzing the server portion to find all of the remote objects for the purpose of creating a proxy for all the remote objects, and Glass does not replacing calls to remote objects with calls to a proxy".

Applicant argues as regarding claim 10, "byte code is not equivalent to machine code".

Applicant argues regarding claim 15, "there is no teaching of two look up services, and there is no teaching of modifying the client portion".

As regard to Applicant's first argument, Applicant argues something that is not in the claim, the claim invention states that "creating a proxy for each of a plurality of remote objects in the server portion...analyzing the server portion to determine each of the plurality the remote objects in the server portion". Applicant alleges that to find each of the remote objects read in its entirety is equivalent to find all of the remote objects. If Applicant intends the claim to mean, "find all of the remote object", Applicant should do so instead of claiming "find each remote object". Secondly, Glass reference clearly teach "analyzing the server portion to determine each of the plurality the remote objects in the server portion" (see Glass col.4, lines 10-18, one or more client side object correspond in a number to the one or more methods of the server object, also see Glass col.8, lines 19-23, generating proxies for each of the subject object's supper classes). Even though the word determine is not explicitly disclose, but the determining step is inherent when creating proxies of each of the subject object's super classes. Applicant also argues "Glass does not replacing calls to remote objects with calls to a proxy". Glass clearly teaches this limitation in his disclosure (see Glass col.6, lines 28-34, col.7, lines 40-47, proxy acts as a middleman between the requested object and the requesting object). Instead of request the object from the server, the client now sending request to the remote proxy to get the object that represent the object of the server.

As regard to Applicant second argument on claim 10, byte code is not equivalent to machine code". According to the "Microsoft Computer Dictionary 5th edition", define byte code and computer code as follow, byte code for use to generate binary

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instructions for target computer's CPU. Computer code is the ultimate result of the compilation of assembly language or any high-level language such as C or Pascal.

As regard to applicant third argument on claim 15, Glass clearly discloses this feature (see Glass Figure 7), The server side ORB and the client side ORB, the client side ORB have proxies that represent the subject object of the remote server. Glass teaches instead of request the object from the server, the client now sending request to the remote proxy to get the object that represent the object of the server (see Glass col.6, lines 28-34, col.7, lines 40-47, proxy acts as a middleman between the requested object and the requesting object).

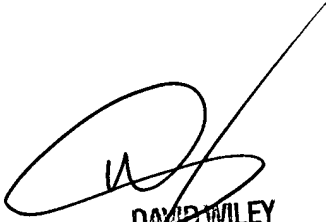
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

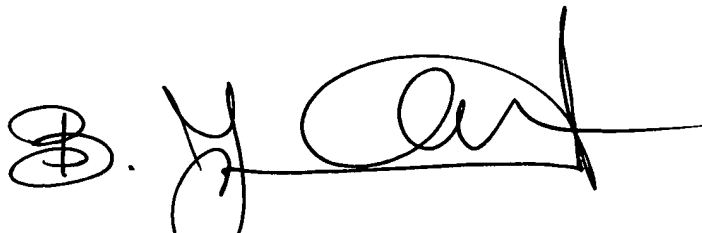
Respectfully submitted,

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